

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2014

IN

CONTEMPT PETITION NO. 144 of 2014

In

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

MATHEW THOMAS & ANR

...Petitioners

VERSUS

VIVEK RAE & ORS

...Respondents

I. A. NO. _____/2014

APPLICATION FOR DIRECTIONS
ON BEHALF OF PETITIONERS

PAPER: BOOK

FOR INDEX KINDLY SEE INSIDE]

ADVOCATE FOR PETITIONERS **MS AISHWARYA BHATI**

RECORD OF PROCEEDINGS

[illegible]

INDEX -

S. No.	PARTICULARS	PAGE NO
1.	APPLICATION FOR DIRECTIONS ON BEHALF OF THE PETITIONERS WITH AFFIDAVIT.	1-16
2.	Annexure A/1 True Copy of the Order dated 23- 09-2013, passed by this Hon'ble Court in Writ Petition (C) No. 494 of 2012	17-18
3.	Annexure A/2 True typed copy of the Order dated 30.04.2014 passed by this Hon'ble Court in the aforesaid Contempt Petition 144/2014 IN W.P. (C) NO. 494/2012	19-23
4.	Annexure A/3 True copy of the report dated 19.09.2014 issued by the Times of India	24
5.	Annexure A/4 True copy of Petitioner's RTI application No. UIDAI/Illegal immigrants/20 Feb 14 - IE/Investigation dated 30.09.2014 addressed to the UIDAI, New Delhi	25-26
6.	Annexure A/5 True copy of Letter No. K-11013/ 100/ 2011-RTI/ VI.IX/ 502/ 2014- 15/ 1699 dated 12.11.2014 issued by UIDAI, Bangalore in reply to the petitioner's query	27-29

7. Annexure A/6
The news report dated 07.10.2014,
on the use of "Aadhaar" for
government employee attendance 30-31
8. Annexure A/7
True copy of the media Report
dated 30.10.2014 32-34
9. Annexure A/8
True copy of the media report
dated 11.11.2014 35-40
10. Annexure A/9
True copy of the media report
dated 20.02.2014 41-43
11. Annexure A/10
True copy of the media report
dated 4.12.2014 44-49

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2014

IN

CONTEMPT PETITION NO. 144 of 2014

In

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

MATHEW THOMAS & ANR

...Petitioners

VERSUS

VIVEK RAE & ORS

...Respondents

APPLICATION FOR DIRECTIONS

To

The Hon'ble Chief Justice of India
and his companion judges of the
Hon'ble Supreme Court of India

The humble petition of the
Petitioners above named;

MOST RESPECTFULLY SHOWETH:

1. This is an Application for Directions on behalf of the Petitioner in the aforesaid Contempt Petition No. 144/2014, which is filed by the Petitioner for willful & deliberate disobedience and violation of the Order dated 23-09-2013, passed by this Hon'ble Court in Writ Petition (C) No. 494 of 2012, by the Contemnors/ Respondents. The Court had passed the following order:-

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given to any illegal immigrant."

True Copy of the Order dated 23-09-2013, passed by this Hon'ble Court in Writ Petition (C) No. 494 of 2012 is annexed herewith and marked as **Annexure A/1**.

(Page 17-18).

2. That on finding that the Respondents were continuing to violate both the directions, the Petitioner filed a Contempt Petition No. 144 of 2014 before the Hon'ble Supreme Court. The Ld. Solicitor General assured that the government would adhere to the Court's Order and produced a letter issued from the government addressed to him stating that instructions have been issued not to insist on "Aadhaar" for government services, such as subsidized LPG. Upon such assurance, this Hon'ble Court ordered that the contempt petition would be heard along with the main petition. Now the petitioner has come to know that the government is not only insisting on "Aadhaar" for

3

government welfare services, but has even made it mandatory for basic rights such as salaries. The Government has made "Aadhaar" compulsory for attendance in all Government offices. Since, salary is linked to attendance, a Government employee who has not enrolled in UID / Aadhaar, would not receive his /her salary. Further, almost every day media carries "news" reporting Government decision to make "Aadhaar" applicable for various purposes such as passports. This is clearly an attempt to coerce people to enroll for UID / Aadhaar. Thus, the Government is continuing to perpetrate and perpetuate the contempt by insisting that in order to receive the benefits of various services, the customers have to enroll on the UID. True typed copy of the Order dated 30.04.2014 passed by this Hon'ble Court in the aforesaid Contempt Petition 144/2014 IN W.P. (C) NO. 494/2012 is annexed herewith and marked as **Annexure A/2.** (Page 19-23).

3. It is submitted that the facts and circumstances stated in the Contempt Petition may kindly be read as part and parcel of the present Application as the same are not being repeated herein for the sake of brevity.

4. It is submitted that the very matter of the petition and the allegations therein are so serious in nature that it deserves the top most priority.
5. It is submitted that the Petitioner has made extremely serious allegations backed with documentary evidence for the allegations. The allegations include the real and present danger posed to national security of the Nation and to the people of India.
6. It is submitted that though the basic purpose for issuing Unique Identification Number "Aadhaar" was to help the poor who do not have identities to avail government subsidies to survive, in reality the subsidies are being denied to all citizens for want of enrolment. In other words, in order to avail such benefits like LPG etc., the customers have to enrol and link their Aadhaar numbers with their bank accounts. It has been made compulsory through both direct/indirect means and incentives, thereby giving the lie to the claim of its voluntary character. It is being covertly pushed to the entire population using the coercive power of State. That by doing so, the Government's intention to enrol a large number of people is clear. If bank accounts, provident funds, mutual funds, gas connections and big financial

5

transactions of citizens are going to need an Aadhaar number, this means the government has forced a unique ID on us indirectly without even legally being entitled to do so.

7. It is submitted that the Hon'ble Supreme Court had asked the Centre to ensure that no illegal immigrant receives Aadhaar card. Despite the said direction of the Hon'ble Supreme Court, there has been no change in the enrolment process adopted by the Respondent and no attempt to pay any attention at all to exclude illegal immigrants. In fact, the Petitioner relies on information obtained through RTI queries to show that UIDAI has no realization at all of the seriousness of illegal immigrants and other elements inimical to the Nation getting UID / Aadhaar enrolment and the so-called "Aadhaar cards". That two months back a report dated 19.09.2014 in the Times of India carried the news of the arrest of a Khalistani terrorist, Rattandeep Singh. On his arrest he was found in possession of two "Aadhaar cards". Thus it is submitted that it is necessary to rid the Nation of the false notion that this dangerously fallible scheme, which has been foisted on it without any rhyme, reason or even law.. True copy of the report dated

19.09.2014 issued by the Times of India is annexed herewith and marked as **Annexure A/3**. (Page 24).

8. It is submitted that the UID (Aadhaar) scheme is so horribly flawed and is intrinsically and conceptually defective that it is impossible to use it in any way, but on the contrary is so dangerous that it must be stopped immediately. Following documents are annexed herewith as evidence to prove the same:

- a) True copy of Petitioner's RTI application No. UIDAI/Illegal immigrants/20 Feb 14 - IE/Investigation dated 30.09.2014 addressed to the UIDAI, New Delhi is annexed herewith and marked as **Annexure A/4**. (Page 25-26).
- b) True copy of Letter No. K-11013/ 100/ 2011-RTI/ VI.IX/ 502/ 2014-15/ 1699 dated 12.11.2014 issued by UIDAI, Bangalore in reply to the petitioner's query is annexed herewith and marked as **Annexure A/5**. (Page 27-29).

9. It is submitted that complete lack of a sense of accountability in Respondent No. (UIDAI) is evident from the reply dated 12 Nov 2104 addressed to the petitioner wherein the Respondent states that "Aadhaars issued to the two persons (illegal

immigrants) were found to be genuine and enrolments were carried out on the basis of accepted POI (Proof of Identity) and POA (Proof of Address). Hence the question of action does not arise." This is in reply to the petitioner's query on action taken to prevent recurrence of such serious / dangerous errors like, illegal immigrants receiving "Aadhaar" numbers.

10. It is submitted that the revelatory evidence of the above RTI documents is not an isolated instance. Illegal immigrants and elements inimical to the Nation obtaining "Aadhaar" is routine, because the Respondents have a mystical, implicit and unreasoned faith in the UID Scheme for reasons best known to them. A sting operation exposed how "Aadhaar" numbers are procured in Delhi by many such anti-social elements from a number of UID enrolling centers of Respondents. A CD and transcript of the sting operation was filed earlier by the petitioner with the above mentioned Contempt Petition.

11. It is submitted that the Central Government has decided to introduce Aadhaar Enabled Biometric Attendance System (AEBAS) in the Central

8

Government offices located at New Delhi. The purpose of this system is to use Aadhaar Number, for employees to mark / register his/her attendance in the offices through Biometric Authentication. For this purpose Authentication devices will be installed in each offices of the Central Ministries/Departments. All the officers/officials have been asked to submit the details pertaining to their Aadhaar Number. Those who do not have Aadhaar Number are required to apply for the same. This will take effect from 2015 itself. That various governmental bodies have made availing of essential services as well as withdrawal of salary contingent upon possession of Aadhaar card. It is submitted that there is undeniably no "leakage" when it comes to payment of salary to the employees of the State Government and therefore, there is no purpose that will be served by quoting Aadhaar number in Pay Bills. The news report dated 07.10.2014, on the use of "Aadhaar" for government employee attendance is annexed herewith and marked as **Annexure A/6**. (Page 30-31).

12. It is submitted that the Hon'ble Supreme Court has not only directed that Aadhaar cannot be insisted upon for delivery of subsidised products like LPG, but

has also directed the government to withdraw all orders that make the use of this ID mandatory. That during the course of proceedings, the Ld. Solicitor General had submitted that the Government will ensure that enrolment will not be mandated for availing subsidies. However, in violation of the Hon'ble Supreme Court's order, the LPG subsidy scheme, which has been rapidly shifted to direct cash transfer mode from 15 November 2014, depends substantially on Aadhaar as authentication. The LPG Agencies in Hyderabad, had fixed November 10 as the deadline for consumers to link their cooking gas connections with Aadhaar numbers and bank accounts to get direct transfer of subsidies. This implies denial of subsidy to those who do not have the impugned UID number, which is based on some biometric identification of 'usual residents', unmindful of the fact that the subsidy in question is meant for citizens. This is a case of manifest inconsistency, because it does not differentiate between a citizen and a non-citizen. True copy of the media Report dated 30.10.2014 is annexed herewith and marked as **Annexure A/7**.
(Page 32-34).

13. It is submitted that the Central Government is planning to make "Aadhaar card" mandatory for issuance of passports in a month's time. In another bold step, the centre is likely to do away with police verification prior to the issuance of passport, if the applicant has UIDAI no. and conduct it later. That a passport is a proof of citizenship and is only issued to citizens, whereas UIDAI website clearly provides that Aadhar card is not a proof of one's citizenship. Thus Passports cannot be issued to all those who possess Aadhar cards as many illegal immigrants staying in India have them. Implementing this would put the nation's security at stake. True copy of the media report dated 11.11.2014 is annexed herewith and marked as **Annexure A/8**. (Page 35-40).

14. It is submitted that now, an alternative of linking existing customer numbers to bank accounts, ostensibly for "direct" cash transfer of LPG subsidies has been provided. The modification of accepting the customer number linkage to bank accounts for cash transfer of LPG subsidies, in a scheme called, "Direct Benefit Transfer LPG" (DBTL), is self-contradictory to the poor justification which the respondents have been giving for use of UID / Aadhaar for DBTL,

11

namely that it is intended to prevent leakages of subsidies. If this were true, then permitting linkage of customer numbers to bank accounts for DBTL would defeat the stated ostensible purpose, since the respondents also claim that there are a number of "Ghost beneficiaries" in the LPG subsidy scheme. Thus the government has been stepping up efforts to make the use of Aadhaar widespread. It seems to be using a pressure tactic that makes life easier for those who use Aadhaar without appearing to openly flout the Supreme Court orders thereby using backdoor ways of circumventing the court's order. Though not on record, the Petitioner has information based on ground reality that the distributors have been inducing customers to get Aadhaar numbers and thereafter linking the same to their bank account in order to avail benefits. This clearly shows that the Respondents have been continuing the contempt, though indirectly.

15. It is submitted that in spite of numerous news reports and sting operations exposing frauds and generation of fake IDs and illegal immigrants obtaining "Aadhaar" numbers, there is not only complete inaction and not even an acknowledgement of the happening, let alone any attempt to rectify the flaws, if that were possible.

The Petitioner derives support from a news report about illegal immigrants detected working in the local Army Head Quarters at Bangalore and when 9 such persons were arrested, two of them were found to be in possession of "Aadhaar Cards". The UIDAI head office does not even have information about the illegal immigrants detected in the local Army HQ at Bangalore. True copy of the media report dated 20.02.2014 is annexed herewith and marked as **Annexure A/9.** (Page 41-43).

16. It is submitted that the Respondent aims to link Aadhaar to all social sector schemes for better fiscal management. The Prime Minister's Office has asked the Unique Identification Authority of India (UIDAI) and National Population Register (NPR) to advance enrolment of all eligible residents from June to March 2015. This is virtually anticipating or presuming that the Supreme Court will decide in the favour of Respondent. It is further submitted that the biometric and demographic data collected for Aadhaar may be extremely vulnerable to access by foreign intelligence services, defence services and multinationals interested in the commercial use of the data, since foreign private firms with close links to foreign intelligence agencies are contractors of UIDAI

providing biometric services under which all enrolments in both UID / Aadhaar and the National Population Register (NPR) are done. It is further submitted that the Respondents have been compounding the problem by vigorously promoting it with all kind of media publicity. True copy of the media report dated 4.12.2014 is annexed herewith and marked as **Annexure A/10**. (Page 44-49).

17. It is submitted that clearly, UIDAI and the other Respondents have taken no action whatsoever to comply with the Court's orders and the petitioner's allegation of contempt stands proven.
18. Therefore, by way of this application, the petitioner is seeking directions from this Hon'ble Court to pass the following orders with immediate effect as prayed by the petitioner in the prayer clause to meet the end of justice.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this Application and direct:

- (a) direct the Respondents/Contemnors to stop all further enrolments until the Respondents satisfy that they have complied with the orders of the Court passed on

14

23.09.2013 along with directing the Respondents/
Contemnors to withdraw all the circulars which
mandate enrolment for availing subsidiaries;

- (b) constitute a committee to investigate the following
lapses on part of the Respondents as to how illegal
immigrants and terrorists are obtaining "Aadhaar"
enrolment and the so-called "Aadhaar" cards and find
out how many such illegal immigrants/terrorists have
already obtained "Aadhaar" numbers and how these
could be identified and eliminated from the UIDAI
database and if this is not practicable, then to direct
the Respondents to destroy the UIDAI database

AND/OR

- d) pass such other order/order(s) as this Hon'ble Court
may deem just and proper in the facts and
circumstances of the case.

AND FOR THIS ACT OF KINDNESS PETITIONERS IN HIS
DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:

[MS AISHWARYA BHATI]

ADVOCATE FOR THE PETITIONERS

DRAWN ON: 5 .12.2014

FILED ON: 9 .12.2014

15
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. _____ OF 2014

IN

CONTEMPT PETITION NO. 144 of 2014

In

WRIT PETITION (CIVIL) NO. 494 OF 2012

IN THE MATTER OF:

MATHEW THOMAS & ANR

...Petitioners

VERSUS

VIVEK RAE & ORS

...Respondents

A F F I D A V I T

I, Mathew Thomas, S/o Late T.P. John, R/o. No.18-A, Adarsh Vista, Basavanagar, Bangalore 560037, Karnataka State, presently at New Delhi, do hereby solemnly affirm and state on oath as under:

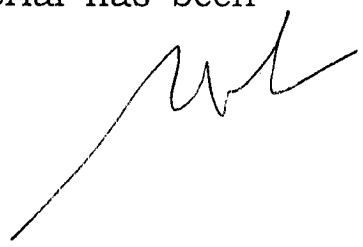
1. I am the Petitioner No. 1 in the above matter and I am well acquainted with the facts and circumstances of the case and I am competent to swear and sign this affidavit on behalf of myself and other petitioner..
2. That the accompanying Application for Directions has been drafted as per our instructions by our Counsel and I have read the contents thereof and I understood the same.
3. That the Annexures enclosed with the accompanying Application for direction are true typed copies of their originals.
4. That facts & contents stated in the aforementioned Application are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.


DEPONENT

16

VERIFICATION:

Verified at New Delhi on this 5th day of December
2014 that the contents of my above affidavit are true
and correct to the best of my knowledge and belief and
no part of it is false and nothing material has been
concealed therefrom.



DEPONENT

Annexure A-1

ITEM NO.5+56

Court No.5

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

17

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY
(RETD)& ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.

Mr. Ankit Goel, Adv.

Mr. Ranvir Singh, Adv.

Mr. Sanjay Yadav, Adv.

Mr. Anish Kumar Gupta, Adv.

Ms. Deepshikha Bharati, Adv.

Mr. S.S. Shamshery, Adv.

Mr. Rajeev Kr. Singh, Adv.

Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.

Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Pratap Venugopal, Adv.

Ms. Meenakshi Chauhan, Adv.

Mr. Varun Singh, Adv.

Mr. Gaurav Nair, Adv.

for

M/s. K.J. John & Co.

18

For Respondent(s) Mr. Mohan Parasaran, SG
Mr. L. Nageshwar Rao, ASG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra ,Adv

UPON hearing counsel the Court made the following

ORDER

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK MANSUKHANI)
Court Master

(M.S. NEGI)
Court Master

TRUE COPY

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

IA 1/2014 in CONTEMPT PETITION (C) NO. 144 OF
2014 IN W.P(C) NO(s). 494/2012

MATHEW THOMAS & ANR

...Petitioner(s)

VERSUS

VIVEK RAE & ORS

...Respondent(s)

(With appln(s) for directions)

Date: 30/04/2014

This matter was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE J. CHELAMESWAR

HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) :Ms. Aishwarya Bhati,Adv.

For Respondent(s) Mr. Mohan Parasaran, SG

Mr. Zoheb Hossain, Adv.

Ms. Sunita Sharma, Adv.

Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

ORDER

The contempt application has been filed with the grievance that the order passed by this Court on 23rd September, 2013 is not being complied with and the respondents had been asking for collection of biometric and demographic data of all personnel for assessing the UID database.

Ms. Aishwarya Bhati, learned counsel for the applicant has submitted that the order passed by this Court is being flouted by the respondents and in support of her case, she has placed reliance upon an advertisement given in the newspapers published from Bangalore asking people to enroll in the UID Scheme to avail LPG subsidy benefits and she has further submitted that the Addhar Card is being given to migrants in the North-East without determining as to whether they are National or anti-National elements or whether they are authorised or non-authorised immigrants and, therefore, action should be taken against the respondents for violating the orders passed by this Court on 23rd September, 2013.

The Court had passed the following order on 23rd September, 2013 :-

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it

mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given to any illegal immigrant.

"Subsequent thereto, the matter was taken up by this Court on 24th March, 2014 and while dealing with SLP(Crl.) No. 2524/2014 and the Court passed the following order:-

"In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing. More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith."

Be that as it may, in response Mr. Parasaran, learned Solicitor General has submitted that the authorities have taken appropriate steps to ensure the compliance of orders passed by this Court from time to

time and to buttress the said submission, letter dated 25th March, 2014 issued by the Government of India, Ministry of Petroleum and Natural Gas has been produced in the Court which reads as under:-

"I am directed to inform you that as per the decision taken by Govt. on 6 Feb, 2014, DBTL Scheme has been kept in abeyance till further orders in 291 DBTL districts where it was implemented and the system of providing subsidized cylinders to all domestic LPG consumers on payment of the applicable subsidized price for each such cylinder (as applicable in remaining districts of the country) has been reintroduced in all the above DBTL districts.

2. The Govt. has also set up a committee headed by Ex-Director, IIT Kanpur Prof. S.G. Dhande to review the functioning of the DBTL scheme and give its recommendations to the Ministry.
3. In view of the above, it is requested that you may kindly convey the Ministry's decision to Hon'ble Supreme Court during the course of hearing, if deemed fit."

In view of the above and assurance given by learned Solicitor General, we are of the considered opinion that

23

so far as the contempt in respect of collecting the demographic data for LPG cylinders is concerned, it is not required. So far as the issuance of Addhar card to the illegal migrants is concerned, it requires serious consideration in view of the provisions of the Indian Passport Act and cannot be adjudicated upon in such summary proceedings particularly in view of the provisions contained in Section 6(A) of the said Act which deals with the situation prevailing in the State of Assam. Thus, it is kept open to the learned counsel for the parties to agitate the said issue at the time of final hearing of the matters.

With these observations, IA stands disposed of.

(DEEPAK MANSUKHANI)

Court Master

(M.S. NEGI)

Assistant Registrar

//TRUE TYPED COPY//

THE TIMES OF INDIA:

24

Khalistani terrorist held two Aadhar cards

-Posted on 19.09.2014

TIMES NOW has accessed exclusive details which say arrested Khalistani terrorist Rattandeep Singh possesses two Aadhar Cards. The UID project which is backed by the Government aims to equip every Indian with a Unique Identity Number and surprisingly a dreaded terrorist managed to get two such cards made in the name of Jagtar Singh of Ambala Cantt and Amar Chauhan from Chandigarh...Along with these documents, the Punjab police has also recovered a Pakistan Passport from his possession. But the bigger concern is -- Is this ambitious project being derailed due to such massive security goof ups?

//TRUE TYPED COPY//

Annexure A-4

File No. : UIDAI/illegal Immigrants/20 Feb 14-
IE/Investigation
30.09.2014

25

APPLICATION UNDER SECTION 6 (1)
OF THE RIGHT TO INFORMATION ACT, 2005

Please quote our file reference numbers & date mentoed
boave when you reply

1. Full Name of the Applicant	Mathew Thomas
2. Address	18 A, Adarsh Vista, Basavanagar, Marathahalli P O, Bangalore 560037
3. Details of the information/documents required. It was reported in the 'India Express' newspaper on 20 Feb 2014 that 9 illegal immigrats working in the local Army HQ at Bangalore were arrested and two of them were found in possession of "Aadhaar Cards". Please furnish the following docunets pertaining to the above news. a. Compy of any investigation report you have carried out to determine how these illegal immigrants were issued 'Aadhaar Numbers and acknowledgement letters, which are loosely termed. " Aadhaar Cards". b. Copy of any documents showing action taken by you to prevent recurrence of such serious/dangerous errors. c. Name and address of Enrolling Agency from whose enrolling centre the enrolemen tof the d. Copy of any document with information on action taken you against the Enrolling Agency I request permission to inspect the relevant file pertained to the above subject matter.	

26

4. Year to which the document pertains	2010 to 2014
5. Designation and address of the Public information officer	The CPIO, Mr. Shrish Kumar, Unique Identification Authority Of India, 2nd Floor, Tower I, Jeevan Bharati Building Connaught Circus, New Delhi - 110001
Particulars of Initial Fee of Rs. 10	Indian Postal Order Number : 22F353340

Bangalore
Date: 30.09.2014

Sd/-
Signature of the Applicant

//TRUE TYPED COPY//

Annexure A-5

GOVERNMENT OF INDIA, PLANNING COMMISSION,
UNIQUE IDENTIFICATION AUTHORITY OF INDIA

27

No. 49, 3rd Floor, South wing, Khanija Bhavan, race
course Road, Bangalore - 560 001

No. K-11013/100/2011-RTI/Vol.IX/502/2014-15/1699

Dated 12.11.2014

Shri Mathew Thomas,
No. 18-A, Adarsh Vista,
Basavanagar,
Bangalore-560 037,

Sir,

Sub : Reply under Right to Information Act, 2005

With referenc to your RTI application received
through UIDAI, HQ on 16.10.2014 seeking information
on newspaper article appearing in India Express on
20.02.2014, pointwise reply to your queries are given
below :

S.No.	Information Sought	Reply
1.	It wa reported in India Express newspaper on 20.02.2014 that 9 illegal immigrants working in the local Army HQ at Bangalore wer arrested and two of them were found in possession of Aadhaar letter. Copy of any investigation report you have carried out to	This Office Had Received A Letter From Inspector of Police, Cubbon Park Police Station on 22.02.2014 requesting to confirm genuineness of Aadhaar of two persons and information as to the enrolment agency and couments provided by them. The required information

	determine how these illegal immigrants were issued Aadhaar.	was provided to the inspector of Police on 24.02.2014. copy attached.
2.	Copy of any document showing action taken by you to prevent recurrence of such serious/ dangerous errors	Aadhaar issued to the two persons referred by inspector of Police were found to be genuine and enrolments were found to be genuine and enrolment were carried out on the basis of accepted Pol/PoA document. Hence question of action does not arise.
3.	Name and address of enrolment agency from whose enrolment centre the enrolment of the above persons was done	Mars Telecom Systems Pvt. Ltd., No. 8-2-293/82/B/95 Road, 1 Jubilee Hills, Hyderabad - 500 033.
4.	Copy of any document with information on action taken by you against the enrolment agency	No such document as enrolments were carried out on the basis of accepted Pol/ Poa document.

If you are not satisfied with the reply, you may appeal to the Appellate Authority, UIDAI, RO, Bangalore within

29

30 days of receipt of this letter. The address and contact number of the appellant authority is given below “

Ms. E.P. Nivedita, I.A. & A.S. Assistant Director General & Appellant Authority, UIDAI, Regional Office, Bangalore, No. 49 Khanija Bhavan, 3rd Floor, South Wing, Race Course Road, BANGALORE - 560 001. Tel : 91- 80- 22343482. E-mail : nivedita.pe@uidai.net.in

Yours faithfully,

Sd/-
(K.Thirumal)
Deputy Director & CPIO,
UIDAI, R.O. Bangalore.

//TRUE TYPED COPY//

The Hindu Business Line: Centre to use Aadhaar-based system to track staff attendance

Published on 7-10-2014

As part of the Digital India campaign, the Centre has launched an Aadhaar-based system developed by the National Informatics Center (NIC) to track attendance of Government employees.

The new system, www.attendance.gov.in, aims to ensure that the attendance of all Government employees will be visible in real time on the common attendance portal, ensuring transparency and accountability. An employee will have to register his/her attendance through a biometric (fingerprint or Iris) system, which will be authenticated online by doing a one-to-one match with the biometric stored in the UIDAI database against the employee's Aadhaar number. The new system will be implemented in two phases.

In the first phase, 148 Central Government organisations (Ministry, departments and autonomous bodies etc) are on board with registration of 49,272 employees. To enable these employees to register their attendance, 1,000 wall-mounted biometric attendance terminals,

5,000 fingerprint scanning devices and 200 Iris devices have been procured and are being installed in about 100 Government bhawans/buildings.

In the second phase, all the Central Government organisations would use the common biometric attendance portal, which is hosted at the NIC data centre. Various Government organisations are operating across different locations. The major challenge is to enable and manage the attendance of across various locations keeping the total cost of ownership (TCO) low.

At present, various Government organisations have deployed proprietary biometric attendance solutions, which lack uniformity in technical architecture due to which these solutions are difficult to scale up and integrate. All departments will have a nodal officer for the new system. Then, there will be online registration of all employees. There will be two steps of verification.

First, the Aadhaar details will be verified by the UIDAI, while the nodal officer will do the second verification. Only after that will an employee be able to mark his/her attendance on the biometric terminal.

Deccan Chronicle : Aadhaar fight all over again

Published on 30-10-2014

Hyderabad: LPG agencies have fixed November 10 as the deadline for consumers to link their cooking gas connections with Aadhaar numbers and bank accounts to get direct transfer of subsidies, triggering another rush at Mee Seva centres.

This follows the NDA government's recent decision to revive the Direct Benefit Transfer scheme. The Centre said that in the new avatar of the DBT scheme, the Aadhaar card is not mandatory and only bank accounts need to be linked with gas connections. However, gas dealers are insisting on both the Aadhaar and the bank account numbers.

Hyderabad and Ranga Reddy feature in the list of districts where the DBT scheme is expected to be launched from November 11. Gas agencies say they don't have bank details of about 7.6 lakh consumers in both districts.

Banks are insisting on Aadhaar cards to open new accounts. With this, people who did not get their Aadhaar

cards earlier are rushing to Mee Seva centres to apply, while those who received their Aadhaar cards with errors are queuing up to get corrections or to update information such as change in address.

Mee Seva centre are having trouble coping with the rush. Those submitting applications now are being given appointments in December and January for enrolment. The government had announced that it would open 35 Aadhaar enrolment centres in GHMC limits from Diwali but that has not been done yet.

As per statistics available with gas agencies, out of 13,88,669 LPG connections in Hyderabad, 9,84,916 have bank accounts. In Ranga Reddy district, out of 14,32,365 gas connections, 10,68,305 have bank accounts.

"I submitted my Aadhaar application for change of address on October 21 at Ramanthapur Mee Seva Centre. Even for address correction, they are asking all our family members to visit the centre again and they will take biometrics and photographs afresh. They have given the appointment on December 27. How can we submit Aadhaar by November 10," asked Mr P. Nagesh, a resident of Ramanthapur.

"We have not received any written communication from the oil marketing companies on Aadhaar. We were just informed that the DBT would be re-launched from mid-November. As per the old DBT method, agencies are asking for both Aadhaar and bank accounts. Even people are under the impression that if not now, Aadhaar will definitely be linked with LPG connections in the coming months since all the schemes of the Centre and state government are being linked to Aadhaar," said Mr D. Ashok Kumar, president, Greater Hyderabad LPG Dealers' Association.

//TRUE TYPED COPY//

Firstbiz. : Aadhaar for quick passport: Is Modi government slyly getting around SC order?

Published on 11-11-2014

The NDA government is sailing pretty close to the wind by trying to sidestep a Supreme Court order that specifically says that Aadhaar, the Unique biometric ID being issued to residents (and not necessarily citizens) by the Unique ID Authority of India (UIDAI), cannot be made mandatory for anything.

In two separate cases, one in September 2013, and another in March 2014, the Supreme Court not only said that Aadhaar cannot be insisted upon for the delivery of subsidised products like LPG, but also that the government has to withdraw all orders that make the use of this ID mandatory.

There are no signs that this is happening.

Ever since Narendra Modi has been sold on the idea, the government has been stepping up efforts to make the use of Aadhaar widespread. However, it seems to be using a pressure tactic that makes life easier for those who use

Aadhaar without openly flouting the Supreme Court orders.

In the Jan Dhan Yojana for opening zero-balance bank accounts for the poor, the use of Aadhaar has been more or less ubiquitous.

The newspapers today (11 November) report that you will get your passport issued faster if you have an Aadhaar. The Indian Express says that the "centre is likely to do away with police verification prior to the issuance of a passport, if the applicant has a UIDAI number...". This is clearly an inducement for applicants to get the Aadhaar so that they can get their passports within a month's time. Or else...

The LPG subsidy scheme, which is being rapidly shifted to direct cash transfer mode from 15 November, will depend substantially on Aadhaar as authentication. There may be no formal note indicating that this is mandatory in view of the Supreme Court's orders, but who will argue about this at the LPG dealers' end? Your ordinary LPG consumer will quietly go and get herself an Aadhaar to avoid hassles.

A few days ago, Finance Minister Arun Jaitley, under fire for his stand on disclosing the names of black MONEY

holders in foreign banks, announced that he would like to make Aadhaar compulsory for real estate transactions. The idea, says a story in Mint, is that it will "provide a trail of all real estate transactions by an individual."

This is a red herring. Real estate transactions already mandate so much documentation that anyone who wants to follow the trail can do so. Among other things, PAN card numbers are mandatory for property transactions, and even lease agreements call for police verifications. Not only that, to prevent the seller from escaping capital gains taxes, the buyer of a property has to deduct 1 percent TDS from the payment and deposit it with the taxman, complete with seller's details.

So, Aadhaar is hardly going to make things even better. If Jaitley wants to sniff black MONEY in realty transactions, the scent should already be reaching his office.

What is becoming clear is that for various reasons, the Modi government is emphasising Aadhaar even more than the UPA. But we have not heard even preliminary noises about legislation to make Aadhaar fully above board and legal, and with in-built privacy protection provisions.

The Express report, for example, says that the National Crime Records Bureau (NCRB) is being asked to "establish a system for validation of criminal antecedents for the applicant." Passport applicants will then be checked with the NCRB's records for criminal antecedents.

The Aadhaar logo. Image courtesy UIDAI
The Aadhaar logo. Image courtesy UIDAI

If Aadhaar is going to be linked to the NCRB's database, one cannot escape the suspicion that sooner than latter Aadhaar is going to be a critical element in monitoring citizen activity from an internal and external security point of view.

As I have noted before, by pushing Aadhaar without any legal protection for the citizen, enormous power is put in the hands of governments and bureaucrats. Any society that values citizen's rights should be wary of keeping an entire population's biometric and personal details in huge databases controlled by a faceless bureaucracy. We need only refer to the widespread accessing of mobile call data records by the powerful to know how much misuse is possible.

Aadhaar is being sold as a way to empower the poor who don't have an identity but need government subsidies to survive. But it is being covertly pushed to the entire population using the coercive power of the bureaucrat's pen. If bank accounts, provident funds, mutual funds, gas connections, and big FINANCIAL transactions of citizens are going to need an Aadhaar number, this means the government has forced a unique ID on us indirectly without even legally being entitled to do so. Now you can add passports and real estate transactions to the list of coercive actions that will push Aadhaar.

Aadhaar empowers the state at the expense of the citizen. Once your income-tax numbers, bank accounts, CREDIT CARD transactions, and asset purchases are linked through a common Aadhaar number, anyone in any part of a coercive tax system can blackmail you if your assets and financial details are leaked. Not only that, when the next big terror attack happens, suddenly the government will have a huge justification to use the data to track potential terrorists. After that, we will be sliding down a slippery slope to lower levels of privacy protection for all citizens.

40

We are getting into dangerous territory from the citizen's
privacy protection point of view.

//TRUE TYPED COPY//

9 illegal immigrants working on Army

premises nabbed

Dt- 20-2-14



The arrested men in Bangalore on Wednesday. (Express)

Posted: February 20, 2014 7:27 am | Updated: February
20, 2014 7:30 am

Nine illegal immigrants from Bangladesh, who were working in the Army headquarters for the Karnataka, Kerala and Goa sub area in Bangalore, have been picked up by military intelligence officials and handed over to the Cubbon Park police station.

Police said the nine immigrants were arrested and produced before a magistrate's court, which remanded them to judicial custody.

42

Sources said they entered India illegally and came to Bangalore by train via Kolkata. They were staying on the streets in Mangamma Palya and Madiwala. One of them, identified as Mohammed Masoom, had obtained an Aadhaar card.

Related Joint Commissioner of Police
Bangladeshi Immigrants for law and order (east) K V
Assault 2 Cops During Sharath Chandra confirmed
Raid Mistaken For the
Immigrants, Workers (illegible)

(Illegible) how Masoom got the card.

6 Illegal Bangla

Immigrants In Custody Investigations have revealed
Illegal Bangladeshi the immigrants were hired
Migrant Held As He by a contractor to clean the
Identifies Body Of Another Army premises on a daily
basis. The

contractor, who got the cleaning contract through an
annual tender, had employed the immigrants as daily wage
workers, police said.

The workers' language and mannerisms drew the attention
of Army officials. They informed military intelligence
officials, who picked up the workers. During questioning,
the nine revealed they were illegal immigrants.

43

The police have registered cases against the nine under the provision of the Foreigners Act and also under Passport (Entry into India) Rules, 1950.

Police suspect there may be more illegal immigrants from Bangladesh in the city, and efforts are on to nab them.

//TRUE TYPED COPY//

Deccan Harold: How does govt justify 'Aadhaar'
when its foundation has crashed?

Published on 4-12-2014

UID - 'Aadhaar' was touted out as a 'transformational' initiative -- one that would change the face of India, make it the most digitised nation in the world, with the biggest data base of demographic information anywhere and so forth.

'Aadhaar,' which means 'support' or 'foundation,' was to be the platform on which all government programmes and many commercial applications were to be built.

The rejection by the parliament's standing committee (PSC) of both the NIA bill to 'regularise' UIDAI's actions and the UID scheme itself, has brought the Aadhaar foundation crashing down to earth.

The rejection must have come as a shock to many, but for those who were closely following the developments, it was expected. The most important aspect of the committee's report is that it has gone beyond a mere examination of the bill. It looked at the UID scheme in considerable detail.

45

The report is hence, not just a view on the bill's legality, but on the UID project itself, its dangers, utility and feasibility also. It examined expert witnesses and provided adequate opportunity to UIDAI authorities to rebut criticism. But UIDAI seems to have failed miserably in convincing the committee.

There is near unanimity on the report, as 28 of the 31 members agreed with it. Of the three dissenting notes, one said that he was new and hence, not aware of the details. Another senior Congress member dissented without giving any reason.

Besides, the home ministry has raised concerns on national security. The finance ministry has questioned aspects of the expenditure. It is easy to dismiss these as turf wars within government. The committee, however, gave credence to objections of both ministries.

In fact, the committee has rejected the scheme on seven major counts and consequently concluded that the bill in its present form is unacceptable. It urged the government to reconsider and review the UID scheme and the bill, in all its ramifications.

The seven grounds on which the committee based its report were: lack of feasibility study, hasty approval,

threats to national security, being directionless, using unreliable technology, need for privacy and data-protection and lack of coordination among government agencies involved.

The committee also questioned the legality and ethics of implementing the scheme without statutory authority. Some of the observations of the committee are scathing.

For example, it said, "The UID scheme has been conceptualised with no clarity of purpose and is being implemented in a directionless way and may end up being dependent on private agencies."

UIDAI has contracted for biometric technology from a former US company, L1 Identity Solutions, with close links to US intelligence agencies. It is now a subsidiary of Safran of France. UIDAI has not disclosed the terms of the technology contract. From available information, it appears that L1 does the de-duplication of biometric data.

Continued dependence

The system integration contractor is another foreign company, Accenture PLC. The entire national demographic data base would be stored in foreign, private company systems, apart from continued

dependence on them for identification. In these days of cyber wars, if this does not raise concerns of national security, what will?

If Huawei and Devas were considered security threats, why not L1 be thought so too? The lack of a feasibility study for such a project is indefensible. That the idea was the brainchild of an ex-corporate honcho, who should know the essentiality of feasibility studies before money is spent, makes UID's implementation without it, astonishing.

Next, the committee talks of 'hasty approval.' The fact that a law was thought necessary is evident from the NIA bill tabled in the House. If a law was essential, why launch the project, without it?

This is the same government, which is at pains to uphold the sanctity of parliamentary processes, for the Lokpal bill. Why does it have double standards for UID project? The committee's view that the UID project is 'directionless' has good justification. One need to see only how many times, the question has been asked, whether UIDAI would issue an ID card.

Even today, no one knows, whether Aadhaar is a card or a number in a data base. Orders were issued to print

cards recently and then cancelled. UIDAI has been talking of opening up the 'Aadhaar platform' for building commercial applications. No one knows what this means.

There is a business portal on the UIDAI website. Is the government aware of the intention to use data gathered by spending public funds, for private businesses? While UIDAI confines itself to providing identity, it leaves its use to others, like the state government civil supplies departments. How this would lead to better targeting of the beneficiaries of Central subsidies is unclear.

The concept of UID is based on the assumption that lack of identity is the reason for inability of the poor to access welfare. This appears seriously flawed. It ignores the discretion vested in government officials in deciding eligibility. Extraneous considerations, such as caste and other prejudices and sheer helplessness of the poor are the real reasons for denial of welfare. Corruption by those who are to prevent leakage is the major cause. The government seems to have misplaced priorities.

Instead of spending on storage, preserving food grains, and streamlining the distribution system, it is embarking on a massive IT project to provide identities to people, ostensibly to target the poor.

49

The committee concluded that the NIA bill is unacceptable and urged the government to review the project. Perhaps, wiser counsel would still prevail and the government may halt further expenditure on the project immediately and evaluate it properly.

//TRUE TYPED COPY//